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In this work General Stryker has given us an admirable and well-illustrated history of the crisis of the nation's struggle for liberty and independence.

HENRY CLAY CAMERON.

A Constitutional History of the American People, 1776-1850. By FRANCIS NEWTON THORPE. (New York : Harper and Brothers. 1898. Two vols., pp. xxvii, 486 ; xv, 520.)

IN the preface to these stout octavos Mr. Thorpe tells us that his work "is a record of the evolution of government in this country since the Revolution." Among the struggles through which this evolution has been accomplished he names as of first importance those which sought a wider suffrage, fairer representation, the gifts of freedom and the franchise to the colored man, free schools, "the separation of the state from questionable practices and the establishment of government directly upon the will of the people." This enumeration discloses at the outset the writer's view of his theme ; it is, to quote his own words, "a history of the evolution of democracy in America ; and by the term democracy is to be understood the form of government, not the doctrine of a political party." The merits—which are great—and the defects—some of which are striking—of the work, are in good part the natural results of this view. A broadly conceived constitutional history of the American people must take into consideration every factor which, acting on and through government, has shaped public policy and built up political character ; and such a history must give to each factor the weight which measures with proximate accuracy its influence in determining these results. It is obvious that Mr. Thorpe has not conceived his task in this way. But to identify as he has done, the constitutional history of the American people during the three-quarters of a century immediately following the Declaration of Independence, with the evolution of democracy, is either to slight, or wholly to ignore matters which belong to the very heart of the subject. Upon every people capable of contributing to general progress two distinct tasks are laid : one, to conserve and improve the civilization acquired either by inheritance or through intercourse with other peoples ; the other, to diffuse as widely as possible, both at home and abroad, this civilization—a word which stands for all those good things the possession of which separates the most advanced of human kind from those in the lowest stage of savagery. It is in the fulfillment of the second task that a people becomes democratic. In no country, unless we except certain dependencies of Great Britain, has the diffusion of the best things—the things which make life noble and enjoyable, which enlarge the powers and raise the character of man both as an individual and as a member of society—gone further or faster than in the United States. In its political aspect this diffusion takes the form of a right to participate in government and thereby the acquisition and use of the power to shape public policy in the interest of the less advanced,

less prosperous and larger division of society. Hence Mr. Thorpe is justified in devoting much space to the movement which has left upon our government and policy an impress so strongly democratic.

But he has erred grievously in so nearly ignoring the counter-movement which not only preserved to us the best things in the civilization brought to the new world by our emigrant forefathers, and the best things in our more recent acquisitions from abroad, but imparted to these certain characteristics that have made them American and at the same time have heightened their value for others as well as ourselves. In the scheme of Mr. Thorpe there is no room for the proper treatment of that phase of this conservative, in some respects aristocratic, reaction called Federalism, that was directed against "the excess of democracy"—an excess which became threatening before the close of the Revolution and culminated in the Shays Rebellion of 1786. But in a properly written constitutional history of the American people what chapter is more interesting, more instructive, or, for the healthful progress of the nation, more vitally important, than this? To this reaction we owe not only the preservation of the Union and the establishment of its national character on a firmer basis, but also escape from the danger at the time imminent, of a break in the continuity of our historical development; for this rested on Anglo-Saxon ideas and institutions; but the democracy of that period in its hatred of England and infatuation for France turned for its ideals first to the teachings of French revolutionary writers, and next to the conduct of French revolutionists.

To Mr. Thorpe's one-sided conception of constitutional history we may trace also the scant attention he bestows on the national constitution and the statesmen who have done most to nationalize the Union. The citadel of American democracy has ever been in the states, and consequently it is in their constitutions and legislation that we can study its development to greatest advantage; but in the minds of its framers, one of the chief functions of the Constitution of 1787 was to protect the interests and rights which democracy was endangering in the states, and this function it has discharged ever since. It is probable that the Constitution of 1787 as it left the hands of the convention was as little democratic, was in fact as anti-democratic as it could be without destroying all hope of acceptance by the people; its chief interest therefore to a historian of democracy grows out of the restraints, in part obviously salutary, which it imposes on that movement. It is true, however, that since the days of Jackson, and largely though by no means wholly through his personal influence and policy, the executive of the national government has become, in a higher degree than the Philadelphia convention thought possible or desirable, the servant and leader of the democracy. This circumstance does not receive from Mr. Thorpe the attention which its importance, as measured by his own conception of constitutional history, would seem to demand.

There are few features of the book so disappointing as the treatment of the statesmen who have done most to nationalize the Union. In the

index (which, it must be confessed, is not so full as it should be) there are but four references to Washington ; and of these, three express nothing as to the views of the writer, while the fourth says : " Even Washington participated in these doubts (those of Hamilton in regard to the capacity of the people for free government), but when called to the executive station, he sought to give popular institutions a fair trial." (It is fair towards the writer to state that in the portion of his work devoted to the account of state conventions it is often difficult to know whether we are reading his own views or those brought forward in the convention; hence it is possible to do him injustice by imputing opinions which he merely quotes.)

The estimate of Hamilton is as follows : " At the threshold of its existence (that of the national government) was Hamilton, the master-spirit of the doctrine of implied powers, than whom a more intelligent man, or one more honest, pure and patriotic in motive, never lived ; but his talents and his patriotism were perverted by federal doctrines, and his views and opinions of free government were erroneous. Had he not doubted the capacity of the people for free government ?" Marshall is treated with more consideration, although, in a passage which seems to be a dictum of the writer, it is averred that " Marshall's opinions on the franchise were worthy of being accepted as authority. In purely legal matters not involving constitutional powers, his opinions were always sound, but upon constitutional questions there could be no worse guide. He invariably leaned towards the power of the federal government, and, where there was no express grant of power, he was always ready to imply one upon the slenderest pretence."

Clay, Webster and Jackson fare at the hands of Mr. Thorpe but little if any better than does Washington. Indeed it is scarcely too much to say that a reader wholly dependent on this work would remain in almost total ignorance of the highest services of the statesmen who have contributed most to the excellence of American constitutions.

It is also proper to direct attention to the doctrine of parties hinted at, if not fully disclosed in the book : " The national constitution . . . was intended to be administrative, not theoretical, in character. . . . The omission of definitions has proved the wisdom of its makers and the opportunity of posterity. . . . The constitution never laid down hard and fast lines of civil procedure. Yet chiefly because such fundamental provisions were lacking, the conduct of national politics fell inevitably into the hands of political parties, and government became an affair of administration. Parties did not exist in colonial times, and they are yet in the infancy of their power. They afford full opportunity for the genius of individuals, and are the responsible means by which a conscientious people adjust themselves to changing conditions."

I believe that a more thorough study of the history and philosophy of party will convince Mr. Thorpe that the conduct of national politics would have fallen into the hands of political parties even if the Constitution had abounded in definitions of the kind which he describes ; that parties

did exist in colonial times, and that without them the political progress of those times would be inexplicable, and that parties, particularly at present, do not "afford full opportunity for the genius of individuals" unless the individuals chance to excel in the arts of political management.

Hitherto we have looked at features the responsibility for which may be charged to the writer's inadequate conception of the real scope of a constitutional history of the American people. Let us now inquire concerning the method he has employed. This Mr. Thorpe explains as follows:

"The principal authorities upon which the evidence rests are the laws and constitutions of the country, and the journals, proceedings and debates of constitutional conventions. . . . Government rests on ideas and ideals. These, in so far as unfolded at the organization of the American commonwealths in the eighteenth century, are traced, some to their origin and all to their end, in the earlier chapters of the first volume. An examination of the constituency follows—the people in their local civil organization and also in their racial and social relations. Our dual system of government—state and national—sooner or later compelled issues involving the question of sovereignty. In one form the issue is stated in 1798 and compromised in 1820. The constituency itself is constantly changing and rearranging the political estate. This calls for some account of the franchise—its basis and its growth. The extension of the franchise to free negroes involves the fate of slavery. . . . The spirit of democracy seizes the constituency, and a general demand is heard that the appointive system be abolished and the elective system be substituted. This demand, active after 1820, leads to a reorganization of government in America. The process characterizes political action for the next thirty years, and appears on party records as a series of reforms in the franchise, in representation, in legislative functions, in judicial organization, in public finance, in local government, and in provisions for free schools. . . . The nature of the civil process during all these years is best understood by examining somewhat in detail the work of constituencies in the North, in the South, in the East, in the West, and at the Border. This examination is begun in the first volume and is continued in the second. The time is from 1845 to 1850, and the constituencies are Louisiana, Kentucky, Michigan and California."

The method has excellent features. In going to the debates of state constitutional conventions Mr. Thorpe has placed himself in the best possible situation for the study of his professed object, namely, the evolution of American democracy. That he has made extended use of these sources is proven by the fact that four hundred pages, two-fifths of the entire book, are given to the accounts of the conventions held by four states during the years 1845 to 1850. Without a careful comparison of these abridgments with the original reports it is impossible to give a final judgment as to their exact value. But the example is worth much, and the results amply prove the devotion, industry and skill of the writer as an investigator. There are, particularly in the first volume, chapters of great merit which may be read with profit as essays independent of the general theme. Of these perhaps the most noteworthy is the one entitled, "A People without a Country;" in this the writer describes

admirably the inhumane not to say inhuman treatment to which, in the days before the Civil War, free people of color were subjected both North and South.

ANSON D. MORSE.

Second Annual Report of the Historical Manuscripts Commission of the American Historical Association, December 30, 1897. (Washington: Government Printing Office. 1898. Pp. 397-679.)

THE second Report of the Historical Manuscripts Commission comprises a continuation of the correspondence of Phineas Bond, British consul at Philadelphia, through the years 1790-1794, the Florida side of the French intrigues to get possession of Florida and Louisiana, and a very useful check-list of Colonial Assemblies and their Journals to the year 1800. The assemblies (lower houses) included in the list are those of Nova Scotia, New Brunswick, Lower Canada, Upper Canada, Massachusetts, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Tennessee. Rhode Island, Connecticut, New York, and Pennsylvania are omitted because the proceedings of their legislatures are accessible in printed volumes in chronological order; and data in regard to Prince Edward Island, New Hampshire, Vermont, Delaware, Kentucky, and the Northwest Territory have not yet been collected. No mention is made of the assemblies of the West Indian colonies. If the list is to be completed in a later Report it would be desirable to have these included.

The Bond correspondence, like the earlier installment, is chiefly interesting for the light it throws upon commerce, immigration, and related subjects. Bond reports, for example, that in 1790 almost all the immigration came through the three Delaware River ports, Newcastle, Wilmington, and Philadelphia. In the single season of 1791 the number of Irish immigrants at these ports by the tenth of September amounted to 4500. The passage cost from £3 to 3½ guineas, a surprisingly small sum for that time. In 1750 the fare from Rotterdam, according to Mittelberger, was 60 florins, and again in 1817 Fearon tells us that a steerage passage in the ship he came in cost twelve pounds, and the passengers "had to find themselves in everything but water." The difficulties which were to arise from English impressment of American seamen are foreshadowed in the remark on p. 463: "A vast proportion of the mariners employed in navigating American ships are foreigners—too many of whom I am sorry to say are his majesty's natural born subjects," and also in the description, p. 525, of the prevalence of desertion, culminating in the assertion that "our ships are often deserted by the whole crew, in the ports of the United States, merely on the score of the superior rates of wages." Bond is also concerned at the heavy investment of English capital in United States funds in 1793. Had it not been for this English demand for American stock "it would never have reached its present